

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/646,985
Filing Date	May 01, 2001
First Named Inventor	Kenneth J. Cool
Art Unit	1631
Examiner Name	Brusca, John S.
Attorney Docket Number	DTR112

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenneth J. Cool	Registration No. (Attorney/Agent)	40,570
Signature	<i>Kenneth J. Cool</i>	Date	December 22, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Kenneth J. Cool	Date	Dec. 22, 2003
Signature	<i>Kenneth J. Cool</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/23/2003 EAREGAY1 00000194 09846985

02 FC:2801

385.00 OP

Docket No.: DTR112

RECEIVED
CENTRAL FAX CENTER

DEC 22 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Appl. No. : 09/846,985 Confirmation No. 3901
Inventor : Cool, Kenneth J.
Filed : May 01, 2001
Art Unit : 1631
Examiner : Brusca, John S.
Title : Electronic Hybridization Assay and Sequence Analysis

PRELIMINARY AMENDMENT

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Kindly consider the following:

CERTIFICATE OF TRANSMISSION

I hereby certify that I am causing the above-referenced correspondence to be facsimile transmitted to the US Patent and Trademark Office on the date shown below:

December 22, 2003

Date of Transmission

Kenneth J. Cool

Name of Person Faxing Correspondence

Signature



Date

Dec. 22, 2003

Docket No.: DTR112
Appl. No.: 09/846,985

Docket No.: DTR112

INTRODUCTORY COMMENTS

Status & Request for an Extension of Time

This Preliminary Amendment is submitted in reply to the final Office Action dated March 21, 2003 for which the shortened statutory period was set to expire on June 21, 2003. A Notice of Appeal was filed on July 21, 2003, along with an accompanying extension of time request. An appeal brief was thereby due on September 21, 2003. The Applicant is filing herewith a Request for Continued Examination (RCE) along with an accompanying extension of time request to extend the date on which the appeal brief would be due. A completed Fee Transmittal form along with a credit card payment form is submitted herewith. Authorization to charge any appropriate fee, or to credit any overpayment, to the credit card identified in the credit card payment form, is hereby given. It should be noted that December 21 falls on a Sunday, to the period of response expires on Monday, December 22, 2003.

Docket No.: DTR112
Appl. No.: 09/846,985

2